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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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PROGRESSIVE CASUALTY INSURANCE COMPANY,) Case No.: C-06-01930-JCS

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Plaintiff,

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vs.

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ZURICH-AMERICAN INSURANCE COMPANY, HARJIT SINGH dba HARRY BROS. TRUCKING, RELIABLE TRUCKING, INC., DENNIS MATEO and JoANN MATEO,

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Defendants.

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Plaintiff, Progressive Casualty Insurance Company (hereinafter, "Progressive"), by and through its counsel of record, Richard W. Osman of Bertrand, Fox & Elliot, and defendant ZURICH-AMERICAN INSURANCE COMPANY ("Zurich"), by and through its counsel of record Mark Koop of Lewis Brisbois Bisgaard & Smith, LLP, and defendant RELIABLE TRUCKING, INC. ("Reliable") by and through its counsel of record David S. Henningsen, of ROBINSON & WOOD, INC. hereby agree and stipulate as follows:

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SIXTH STIPULATION EXTENDING DEFENDANTS' TIME TO RESPOND TO PLAINTIFF'S COMPLAINT; REQUEST TO EXTEND DEADLINE TO MEET AND CONFER RE: INITIAL DISCLOSURES, ADR PROCESS SELECTION, AND DISCOVERY PLAN AND TO FILE JOINT ADR CERTIFICATION; ORDER THEREON

Civil Local Rules 6-1(a)

1 Plaintiff filed its complaint on March 14, 2006. Defendant Zurich was served on April
 2 21, 2006. Defendant Reliable was served on April 20, 2006. The parties acting by and through
 3 their attorneys have stipulated four times that defendant Zurich's and Reliable's time to respond
 4 to the complaint be extended, most recently to June 29, 2006, while the settlement in the
 5 underlying matter is completed and a dismissal is filed.

6 The present action arises out of a coverage dispute that arose in Alameda County
 7 Superior Court Case No. RG04183951, entitled *Mateo v. Singh*. That matter was recently settled
 8 and the coverage dispute between Progressive and Zurich was also recently settled. The latter
 9 settlement is contingent upon dismissal of *Mateo v. Singh*. As of the date of this stipulation, all
 10 settlement funds have been tendered by Progressive and Zurich. Progressive's retained defense
 11 counsel confirmed that plaintiffs' counsel received said funds and deposited the funds in his trust
 12 account on or before June 23, 2006, but that plaintiff's counsel is waiting for the check to clear
 13 before he dismisses *Mateo v. Singh*.

14 On July 5, 2006, coverage counsel for Zurich, Mark Koop, received correspondence from
 15 Reliable's retained defense counsel, Robinson & Wood, informing him that they had not yet
 16 received a dismissal of the *Mateo v. Singh* matter, but that plaintiffs' counsel indicated that he
 17 hopes to have the matter resolved by July 7, 2006. Plaintiff's counsel further indicated that he
 18 presently awaits final negotiation of the settlement draft, which due to a bank hold policy has not
 19 yet occurred. Progressive intends to voluntarily dismiss the present action pursuant to FRCP
 20 Rule 41 immediately after the *Mateo v. Singh* matter is dismissed, which now will likely be on
 21 July 10, 2006.

22 In order to permit time for the dismissal of *Mateo v. Singh* to be filed, the parties hereby
 23 stipulate for a sixth time that defendants will file and serve their responsive pleadings by July 14,
 24 2006.

This sixth stipulation will affect the June 30, 2006 deadline to meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan, and to file the Joint ADR Certification with Stipulation to ADR, pursuant to FR Civ. P 26(f), ADR L.R. 3-5 and Civil L.R. 16-8, which deadline the parties have already requested be extended to July 7, 2006.

The parties therefore request that the Court order that the June 30, 2006 deadline be extended to July 14, 2006, to allow time for the *Mateo v. Singh* dismissal to be filed so that the present matter can be voluntarily dismissed.

SO STIPULATED.

Dated: July 7, 2006

BERTRAND, FOX & ELLIOT

By: _____
Richard W. Osman
Attorney for Plaintiff PROGRESSIVE
CASUALTY INSURANCE COMPANY

Dated: July ____, 2006

LEWIS BRISBOIS BISGAARD& SMITH, LLP

By: _____
Mark Koop
Attorney for Defendant ZURICH
AMERICAN INSURANCE COMPANY

Dated: July 7, 2006

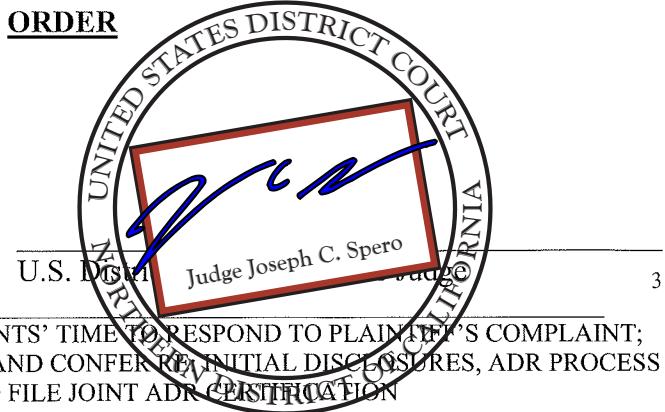
ROBINSON & WOOD

By: _____
David S. Henningsen
Attorney for RELIABLE TRUCKING

ORDER

IT IS SO ORDERED.

Dated: July 10, 2006



SIXTH STIPULATION EXTENDING DEFENDANTS' TIME TO RESPOND TO PLAINTIFF'S COMPLAINT;
REQUEST TO EXTEND DEADLINE TO MEET AND CONFER RE: INITIAL DISCLOSURES, ADR PROCESS
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